

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEITH GUTHRIE, individually, on a
representative basis, and on behalf of all
others similarly situated,

Plaintiff,

v.

ITS LOGISTICS, LLC,

Defendant.

Case No. 1:21-cv-000729-KES-EPG

ORDER DIRECTING CLERK OF COURT TO
TERMINATE FINDINGS AND
RECOMMENDATIONS AS NO LONGER
PENDING

(ECF No. 88)

ORDER GRANTING PLAINTIFF'S MOTION
FOR CLASS CERTIFICATION AND
PRELIMINARY APPROVAL OF A CLASS
ACTION SETTLEMENT BE GRANTED

(ECF No. 79, *see* ECF Nos. 82, 86, 87)

The parties have reached a settlement in this putative class action case, which alleges California state labor law violations. Now before the Court is Plaintiff's unopposed motion (and supporting documents) to preliminarily certify the settlement class and approve the parties' proposed settlement.¹ (ECF No. 79, *see* ECF Nos. 82, 86, 87).

After the presiding District Judge referred the motion, the undersigned issued findings and recommendations on August 27, 2025, recommending that it be granted. (ECF No. 88). These findings and recommendations reminded the parties of their ability to "consent to the undersigned handling the instant motion, in which case the Court [would] issue an order consistent with [the]

¹ Plaintiff also requests related relief, *e.g.*, authorizing notice to the class members, which is addressed below.

findings and recommendations.” (*Id.* at 36 n.15). Neither party filed objections within the fourteen days provided. Rather, following the parties’ consent filings, the formerly presiding District Judge issued an order on September 25, 2025, reassigning “this action to the docket of [the undersigned] for all further proceedings, including trial and entry of judgment, pursuant to 28 U.S.C. § 636(c)(1).” (ECF No. 91).

Accordingly, for the reasons contained in the Court’s findings and recommendations issued on August 27, 2025 (ECF No. 89), IT IS ORDERED as follows:

1. As the parties have consented to the undersigned addressing Plaintiff’s motion, the Clerk of Court is directed to terminate the August 27, 2025 findings and recommendations as no longer pending before the formerly assigned District Judge.
2. Plaintiff’s motion to preliminarily certify the settlement class and approve the parties’ proposed settlement (ECF No. 79, *see* ECF Nos. 82, 86, 87) is granted.
3. The following class is conditionally certified: All current and former truck drivers who resided in California and who were employed by Defendant, ITS Logistics, LLC and paid on a piece rate basis (*e.g.*, per day or per mile) at any time during the period of March 1, 2019, through June 28, 2024 (the Class Period).
4. Plaintiff’s PAGA Claims are conditionally approved for settlement purposes only as a representative action under the Private Attorneys General Act under California Labor Code § 2698 et seq. on behalf of the following: All current and former truck drivers who resided in California and who were employed by Defendant, ITS Logistics, LLC and paid on a piece rate basis (*e.g.*, per day or per mile) at any time during the period of March 9, 2020, through June 28, 2024 (the PAGA Period).
5. Plaintiff Keith Guthrie is appointed as the class representative.
6. Plaintiff’s counsel Brian Mankin and Misty Lauby are appointed as class counsel.
7. The proposed class notice is approved, with corrections to the typographical errors specified below, and then shall be disseminated according to the notice plan described in the parties’ settlement agreement.
 - a. Specifically, the notice states as follows: “Up to one-third of the Settlement Amount to Class Counsel for attorneys’ fees (\$137,500) and up to \$27,000 for

1 their litigation expenses.” (ECF No. 87, p. 7). This notice should be corrected to
2 read, “Up to one-quarter of the Settlement Amount to Class Counsel for attorneys’
3 fees (\$137,500) and up to \$27,000 for their litigation expenses.”

4 b. Also, the notice shall omit the language requiring a person to provide the “last four
5 digits of your social security number.” (ECF No. 87, p. 12).

6 8. ILYM Group, Inc. is approved as the settlement administrator.

7 9. A final approval hearing shall be held on January 8, 2026, at 10:30 a.m. To connect to the
8 conference telephonically, the parties shall (1) dial 1-669-254-5252, (2) enter 161 733
9 0675 for the meeting ID followed by #, (3) enter # when asked for the participant ID, (4)
10 enter 740484 for the meeting passcode followed #, and (5) enter *6 to unmute.

11 10. Plaintiff’s combined motion for final settlement approval and an award of attorney’s fees,
12 costs, expenses, and a service award shall be filed at least 30 days before the final
13 approval hearing.

14 IT IS SO ORDERED.

15 Dated: September 29, 2025

16 /s/ Eric P. Gray
17 UNITED STATES MAGISTRATE JUDGE
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